

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15920 of 1997

Between:

N. Krishnamachar, S/o. late N. Chengalrayachar,
Asst. Registrar, Jawahar Lal Nehru Technological Universtiy,
College of Engineering, Kukatpally, Hyderabad.

..... PETITIONER

AND

1. The Registrar, Jawaharlal Nehru Technological University,
Opp. Mahavir Hospital, Masab Tank, Hyderabad.
2. The Vice Chancellor, Jawaharlal Nehru Technological University,
Masab Tank, Hyderabad.
3. Md. Nazeer, Assistant Registrar, J.N.T.U., Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the impugned Proc.No.C3/7700/1997(1), dt. 04.07.1997 issued by the Registrar, Jawaharlal Nehru Technological University, Hyderabad is illegal, arbitrary, discriminatory and subversive of Articles 14,16 and 21 of the Constitution of India and consequently hold that the petitioner is entitled for promotion to the post of Deputy Registrar in preference to the unofficial respondent with all consequential benefits such as pay and allowances, seniority etc.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondent Nos.1&2: MR.C. KODANDARAM

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of the first respondent–University, dated 04.07.1997, under which the third respondent, who was junior to the petitioner, was promoted as Deputy Registrar.

2. According to the petitioner, he is senior to the third respondent. Therefore, the impugned order is illegal, arbitrary and contrary to the provisions of the Jawaharlal Nehru Technological University Rules as well as violative of provisions of the Constitution of India. The petitioner, therefore, sought for setting aside the impugned order and for a declaration that the petitioner is entitled to the post of Deputy Registrar in preference to third respondent with all consequential benefits.

3. It is stated that the petitioner was originally appointed in the Engineering College, Anantapur, as Record Assistant on 05.09.1959 and later, he was promoted as Typist in 1964. The Engineering College, where he was working, was taken over by the first respondent-University, which was formed in the year 1972. It is further stated that the petitioner was promoted as U.D.C. on 05.02.1975. He was further promoted and he was ultimately holding the post of Assistant Registrar as on the date of filing of the present writ petition.

4. The grievance of the petitioner is that the third respondent, who was also similarly absorbed into the University, was converted as U.D. Steno in the year 1978. According to the petitioner, through out his career in the University, he was shown as senior to the third respondent including in the post of Assistant Registrar. But, without considering the claim of the petitioner, the third respondent was promoted as Deputy Registrar under the impugned order. Therefore, the petitioner has come up with the present writ petition seeking to set aside the impugned order, with a further direction to promote him to the post of Deputy Registrar with all consequential benefits.

5. A counter-affidavit has been filed on behalf of the first respondent-University disputing and denying the claims of the petitioner, stating that insofar as absorption and as well as further promotions of the petitioners are concerned, there was no

dispute, but, with reference to the seniority, the seniority list was prepared in the year 1979 and was finalized on 08.02.1980. It is true that the petitioner was shown at Sl.No.5 while the third respondent was shown at Sl.No.21 in the said seniority list. But, however, the third respondent made a representation that his service as U.D. Steno from 04.09.1974 shall be taken into account while preparing the seniority list. The Vice Chancellor of the second respondent-University has considered the claim of the petitioner and passed appropriate orders restoring his seniority, and as per which, he was placed at Sl.No.4 i.e., above to the petitioner. Therefore, the third respondent became senior to the petitioner by virtue of restoration of his seniority. It is also stated that though an order of promotion was passed on 04.07.1987, on the representation of the petitioner as well as the JNTU Non-Teaching Staff Association, the said order was kept in abeyance and subsequently the petitioner retired from service on 30.09.1997. After the retirement of the petitioner, fresh order of promotion in favour of the third respondent was passed in the month of October 1997, promoting him as Deputy Registrar. Therefore, it is contended that even assuming that the petitioner is senior to the third respondent, when the impugned orders were not given effect, there is no cause of action for the petitioner to seek any relief.

6. Though, it has been categorically stated that the impugned order of promotion dated 04.07.1997 was not given effect to on the representation of the petitioner, but as per the seniority list, the third respondent was at Sl.No.4 while the petitioner was at Sl.No.5.

7. In view of the above stated facts, the counsel for the first respondent as well as the third respondent sought to dismiss the writ petition.

8. Heard both sides and considered the material available on record.

9. Both the petitioner and the third respondent are disputing as to the seniority. The petitioner claims to be the senior to the fourth respondent, but, he did not file any seniority list published by the first respondent-University. In the counter-affidavit filed on behalf of the first respondent it was stated that though as per the seniority list dated 08.02.1980, the petitioner was shown at Sl.No.5 as senior to the third respondent, who was shown at Sl.No.21. But, the seniority of the third respondent was restored to Sl.No.4, in view of his representation. By virtue of the said restoration of seniority of the third respondent, he became senior to the petitioner. In any case, though an order of promotion promoting the third respondent as Deputy

Registrar was passed on 04.07.1997, the said order was kept in abeyance and in the meanwhile the petitioner retired from service on 30.09.1997. When once the said impugned order is not implemented, there cannot be any grievance for the petitioner. It is also stated that it is only thereafter a fresh order of promotion promoting the third respondent as Deputy Registrar was passed in October 1997.

10. In view of the above facts and recording the statement made on behalf of the respondents that the impugned order dated 04.07.1997 was not given effect at all, the petitioner is not entitled to any relief in this writ petition.

11. The writ petition is accordingly dismissed. No costs.

S. Ananda Reddy,J

Date: 24.09.2004

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To

1. The Registrar, Jawaharlal Nehru Technological University,
Opp. Mahavir Hospital, Masab Tank, Hyderabad.
2. The Vice Chancellor, Jawaharlal Nehru Technological University,
Masab Tank, Hyderabad.
3. Two CD Copies